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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,263	05/10/2001	Manuel Gonzalez	60006758-1	5454

7590 06/06/2006
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n N . 09/852,263	Applicant(s) GONZALEZ ET AL.	
	Examin r Jerome Grant II	Art Unit 2626	

-- The MAILING DATE of this communication appears on the c ver sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-22 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT
PRIMARY EXAMINER

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 8 -10, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Koyama.

With respect to claim 1, Koyama teaches a method for selecting prints comprising the steps of:

Receiving an image (from a scanner according to col. 41, lines 15-20);
determining an orientation of said received image (see col. 541, lines 53-62); calculating a range of image sizes(of 1 and 2 bytes) for printing based on a plurality of factors (such as aspect ratio, compression rate and available dummy pixels); selecting image sizes

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based on the rotation of the received image, see col. 41, lines 63-69 and col. 43, lines 1-10.

With respect to claim 2, Koyama teaches receiving a user preferred image size (user designated picture parameters);and determining (via information file management, according to col. 42, lines 1-3), whether the user preferred image size is within the range. See also col. 41, lines 1-10.

With respect to claim 4, Koyama teaches determining an aspect ratio. See col. 42, lines 27-30. Koyama teaches calculating a range of image sizes(of 1 and 2 bytes) for printing based on a plurality of factors (such as aspect ration, compression rate and available dummy pixels).

With respect to claim 8, Koyama teaches discriminating orientations of printed documents. See col. 41, lines 63-69 and col. 43, lines 1-10.

The orientation of a landscapes and portraits is anticipated by Koyama since this data is among many that could be included on printed matter that is discriminated with respect to the orientation of the image.

With respect to claims 9 and 15, Koyama teaches a plurality of factors (such as aspect ratio, (col. 42, lines 27-30) and compression rate and available dummy pixels and resolution col. 41, lines 15-22).

With respect to claim 10, see memory 6a.

With respect to claim 12, Koyama teaches receiving an image (from a scanner according to col. 41, lines 15-20); determining an orientation of said received image (see col. 541, lines 53-62); calculating a range of image sizes(of 1 and 2 bytes) for printing based on a plurality of factors (such as aspect ratio, compression rate and available dummy pixels). Koyama teaches a predetermined minimum number (as 0) as the less than a predetermined max number of pixels (255 for 8 bit representation).

Koyama teaches a printer 2 for printing the image according to the size within the range.

With respect to claim 13, Koyama teaches , Koyama teaches receiving a user preferred image size (user designated picture parameters);and determining (via information file management, according to col. 42, lines 1-3), whether the user preferred image size is within the range. See also col. 41, lines 1-10.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 , 14 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama in view of Nakata

With respect to claim 3, Koyama teaches all of the subject matter upon which the claim depends except for the selecting of the user preferred image size in response to the user preferred image size being within said range and selecting the at least one of the image sizes in said range for printing said image in response to said user-preferred image size falling out of the range.

Nakata teaches selecting the user preferred image size for printing said image in response to said user preferred image size being within said range; and selecting said at least one of said image sizes in said range for printing said image in

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response to said user preferred image size falling outside of said range (see col. 1, line 66 – col. 2, line 27)

Since Koyama and Nakata are both directed toward printers for printing images of different sizes based upon different factors, the purpose of selecting the image size with respect to a certain range and selecting images falling outside a certain range would have been recognized by Koyama as set forth by Nakata.

It would have been obvious to modify system controller 6 of Koyama or other management software or systems for selecting pictures that were within or without a certain range which has been designated by that system.

With respect to claims 14 and 20 , Koyama teaches a printer 2 for printing said received image within a range. Koyama teaches all of the subject matter upon which the claim depends except for the selecting of the user preferred image size in response to the user preferred image size being within said range and selecting the at least one of the image sizes in said range for printing said image in response to said user-preferred image size falling out of the range.

Nakata teaches selecting the user preferred image size for printing said image in response to said user preferred image size being within said range; and selecting said at least one of said image sizes in said range for printing said image in

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response to said user preferred image size falling outside of said range (see col. 1, line 66 – col. 2, line 27)

Since Koyama and Nakata are both directed toward printers for printing images of different sizes based upon different factors, the purpose of selecting the image size with respect to a certain range and selecting images falling outside a certain range would have been recognized by Koyama as set forth by Nakata.

It would have been obvious to modify system controller 6 of Koyama or other management software or systems for selecting pictures that were within or without a certain range which has been designated by that system.

With respect to claim 17 , Koyama teaches a method for selecting prints comprising the steps of:

Receiving an image (from a scanner according to col. 41, lines 15-20); determining an orientation of said received image (see col. 541, lines 53-62); processor 6 for calculating a range of image sizes(of 1 and 2 bytes) for printing based on a plurality of factors (such as aspect ratio, compression rate and available dummy pixels); selecting image sizes based on the rotation of the received image, see col. 41, lines 63-69 and col. 43, lines 1-10; receiving a user preferred image size (user designated picture parameters);and determining (via information file management, according to col.

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42, lines 1-3), whether the user preferred image size is within the range. See also col. 41, lines 1-10.

Koyama teaches all of the subject matter upon which the claim depends except for the selecting of the user preferred image size in response to the user preferred image size being within said range and selecting the at least one of the image sizes in said range for printing said image in response to said user-preferred image size falling out of the range.

Nakata teaches selecting the user preferred image size for printing said image in response to said user preferred image size being within said range; and selecting said at least one of said image sizes in said range for printing said image in response to said user preferred image size falling outside of said range (see col. 1, line 66 – col. 2, line 27).

Since Koyama and Nakata are both directed toward printers for printing images of different sizes based upon different factors, the purpose of selecting the image size with respect to a certain range and selecting images falling outside a certain range would have been recognized by Koyama as set forth by Nakata.

It would have been obvious to modify system controller 6 of Koyama or other management software or systems for selecting pictures that were within or without a certain range which has been designated by that system.

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With respect to claim 18, Koyama teaches a system processor 6 for calculating a range of image sizes(of 1 and 2 bytes) for printing based on a plurality of factors (such as aspect ratio, compression rate and available dummy pixels). Nakata teaches selecting the user preferred image size for printing said image in response to said user preferred image size being within said range; and selecting said at least one of said image sizes in said range for printing said image in response to said user preferred image size falling outside of said range (see col. 1, line 66 – col. 2, line 27). The combination of the rejection is previously set forth in this numbered paragraph.

With respect to claim 19, Koyama teaches receiving a user preferred image size (user designated picture parameters);and determining (via information file management, according to col. 42, lines 1-3), whether the user preferred image size is within the range. See also col. 41, lines 1-10.

With respect to claim 21, see the operation unit 10.

With respect to claim 22, the user interface includes keypads as an input device.

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Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama.

Koyama teaches all of the subject matter upon which this claim depends except for the use of A3 size paper.

Koyama does provide for the use of A6 paper as referred to at col. 15, lines 5-10.

But the use of A3 paper does not appear to provide any significant advantages over the use of A6. Hence, it would have been recognized to one of ordinary skill in the art to interchange the size papers as set forth by the recipient of the printed matter.

4. Claims Objected

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

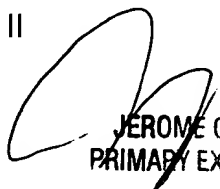
5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on 571-272-7463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II



JEROME GRANT
PRIMARY EXAMINER